UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,828	10/12/2000	James Paschal McCloskey	MSX 302RI	9910
7590 05/09/2008 Kolisch Hartwell Dickinson McCormack & Heuser 520 S W Yamhill Street Suite 200 Portland, OR 97204			EXAMINER	
			RODRIGUEZ, JOSEPH C	
			ART UNIT	PAPER NUMBER
			3653	
			MAIL DATE	DELIVERY MODE
			05/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Examiner-Initiated Interview Summary	09/687,828	MCCLOSKEY, JAMES PASCHAL
·	Examiner	Art Unit
	JOSEPH C. RODRIGUEZ	3653
All Participants:	Status of Application: Fina	al Rejection
(1) <u>JOSEPH C. RODRIGUEZ</u> .	(3)	
(2) <u>Peter Heuser</u> .	(4)	
Date of Interview: 5 May 2008	Time:	
Type of Interview:  ☐ Telephonic ☐ Video Conference ☐ Personal (Copy given to: ☐ Applicant ☐ Applica  Exhibit Shown or Demonstrated: ☐ Yes ☐ No If Yes, provide a brief description:	ant's representative)	
Part I.		
Rejection(s) discussed: N/A		
Claims discussed: N/A		
Prior art documents discussed: N/A		
Part II.		
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL See Continuation Sheet	RAL NATURE OF WHAT WAS	DISCUSSED:
Part III.		
<ul> <li>It is not necessary for applicant to provide a separate r directly resulted in the allowance of the application. The of the interview in the Notice of Allowability.</li> <li>It is not necessary for applicant to provide a separate r did not result in resolution of all issues. A brief summar</li> </ul>	e examiner will provide a writte ecord of the substance of the	en summary of the substance interview, since the interview
/Joseph C Rodriguez/ Primary Examiner, Art Unit 3653	applicant/Applicant's Representati	ive Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

Examiner provided Applicant with an update on the status of the application and noted that the statement of error in the declaration filed 10/26/07 no longer applies to the claims submitted 10/26/07.

That is, Applicant has stated the error to be "the issued patent includes claims covering the stockpiling conveyor that are too narrow" and that "an example of narrowly claiming the stockpiling conveyor is shown in original independent claim 1 which recites that in the retracted position the "first upper part extends over the chassis" and that "such a limitation is not necessary to distinguish the invention from the prior art." However, reissue claim 1 is actually more narrow than original claim 1 since it includes the limitations of patent claims 2 and 5. Furthermore, reissue claim 1 still contains the limitation "first upper part extends over the chassis". Thus the claims are not broader, and applicant has not set forth a proper error statement. Consequently, the oath/declaration must be amended to avoid a rejection under 35 USC 251 based on a defective oath/declaration.